management leadership
employee involvement
worksite analysis
hazard prevention and control
safety and health training

Department of Energy
VPP
StarBurst

Summer 2001

A Quarterly Newsletter For And About DOE's Voluntary Protection Program

DOE AWARDS WSI FOR OUTSTANDING SAFETY AND HEALTH PROGRAMS

Wackenhut Services, Inc. Nevada Operations (WSI), a contractor for the U.S. Department of Energy (DOE), Nevada Operations Office has earned the prestigious STAR award in the DOE's Voluntary Protection Program (VPP).

The first company in the state of Nevada to be awarded STAR status in the VPP, WSI is recognized as an outstanding protector of employee safety and health from occupational hazards. The VPP encourages and recognizes the achievement of excellence in both the technical and managerial protection of employees with five program elements: Management Leadership; Employee Involvement; Worksite Analysis; Hazard Prevention & Control; and Safety and Health Training. In 1995, the VPP was recognized by the Vice President of the United States as "the new national model of government regulation" in a ceremony awarding two Hammer Awards. The United States Congress has acknowledged the success of the VPP with several pieces of legislation.

Since 1965, WSI has served as the Protection Force Services contractor for DOE's Nevada Operations Office and Nevada Test Site.

To learn more about WSI, please visit
www.wackenhut.com/nuclear/frm.wsi.htm

IN THIS ISSUE

EVENTS

August 27 - 30: VPPPA National Conference, New Orleans, LA

ATTITUDE

Having the right attitude toward safety is one of the best tools you can use for your own safety and the safety of your co-workers. You may have all types of top quality safety programs and processes in place, but if you don't use them or encourage your co-workers to use them, then they are not helping you to be safe.

Attitude has a unique "Chain of Command" as far as safety is concerned, and it must be followed to make it work. One of the key links in this chain of command is worker involvement. Worker involvement is and has always been considered one of the more significant parts of any safety program or process, but is also the most vulnerable.

Let me give you some examples. If you volunteer to be involved in one of the programs, but your first line management can't find the time to allow you to do this, or worse yet, gives you negative feedback as to why you want to participate, then the "chain" is broken. Management's attitude toward safety and safety programs plays a large part in whether or not the programs will fail and thereby place workers at risk.

Sometimes, management's attitude toward worker involvement is one where they feel participation is simply "being in the way of getting work done" or as "participating to get out of work." This negative attitude can discourage the worker and actually change the positive, "I want to participate attitude" into a "why bother" attitude. Many times it's not just the words used, rather it is the tone of voice or the body language that clearly tells workers that management doesn't support safety although they say they do.

In some places, a lot of time and effort is spent in showing workers the benefits of involvement and ownership of safety. Ownership and involvement fosters pride in the work force, and this in turn leads to a positive attitude of doing work safely. This positive attitude can then grow through peer pressure, if management also shows support. But it is a fragile thing. It can easily be torn apart if the workers feel that they are not being supported in their involvement efforts.

Sometimes, it's easier to just do your job and avoid the harassment than to strive to be involved. And that's a shame, because workers want to make a difference by being involved in the process of programs that will help us all in doing work safely.

So, how do we avoid the negative and profit by the positive? Let's start with management's perception of why workers want to participate. This is important because it is one of the key points directly affecting the attitude developed by the workers. For example, when a worker wants to go above and beyond just doing their job, first line management must understand, support, encourage and lead by example. By doing that, management is stressing the importance of worker involvement, which will develop the necessary positive attitude needed to perform work in a safe and efficient manner.

Sometimes the stress from deadlines and milestones may cause management to lose focus on safety and worker involvement, which in turn could send a negative signal to the work force on how work is to be performed. However, if the message is, "even though we are behind schedule, you need to go to the safety meeting or your safety committee, etc., because it is important," management demonstrates a commitment to "Doing Work Safely," and instills a positive attitude in the work force.

Telling the same worker that going to a safety meeting will put them behind schedule or simply saying, "you HAVE to go, but get right back or we'll be behind," sends a clear message that production is more important than safety. And ultimately, you will change workers' attitude toward wanting to participate.

So, the simple message is: A positive attitude is one of the most important safety tools available. It can be given or taken away, but if you have it and share it with others, then you will truly have a safe workplace.

By David Fox, INEEL

To learn more about the INEEL VPP, please visit: www.inel.gov/vpp

WASP — Worker Involvement at it's best!

By Bowen W. Huntsmen, INEEL


Slips and Falls
Checklist (Indoors)


Slips and Falls
Checklist (Outdoors)

The Worker Applied Safety Program (WASP) is employees actively caring for other employees. It is the behavioral observation and feedback process at the Idaho National Engineering and Environmental Laboratory (INEEL), where employees routinely observe one another while working. The purpose of WASP is to increase safe behaviors and decrease at risk behaviors. It is successful at the INEEL because it is worker-driven and management supported. The observations are anonymous and there is no disciplinary action associated with the observation. A checklist guides the observer to focus on specific safety-related behaviors. There are WASP boxes located in the various facilities. These boxes contain the blank checklists and also provide a slot to submit completed checklists. The observer provides feedback to the employee being observed, noting both safe and at-risk behavior. The one-on-one feedback between employees is the key element in the process. The observation checklists are collected and entered in the WASP database. From the database, the WASP committee can produce % Safe charts by day, week, month, and by quarter. The data is used to identify areas for follow-up action and improvements. This information is also posted for all employees on display boards at various locations.

For more information on WASP and VPP at INEEL, please visit: www.inel.gov/vpp

Where do Standards Come From:

A major part of your job involves figuring out what standards mean and determining how to apply them properly. But do you know where standards and other rules actually come from? How do they differ from legislation? How is a standard or regulation actually created? What are the differences between the two? Why does it take so long to write one? Can the rulemaking process be improved? These are among the questions currently being asked by the National Advisory Committee on Occupational Safety and Health (NACOSH), and are probably also being asked by safety and health managers and employees throughout the country. The rulemaking process is complex, but certainly not inaccessible. This article will endeavor to demystify the process, while providing a glimpse of emerging trends in rulemaking innovation.

Rulemaking: A Complement to the Legislative Process

The lessons from our high school civics classes remain fresh in our minds: The U.S. Constitution carefully guards the separation of powers between the branches of government. The Constitution describes and distinguishes legislative powers (Article I), executive powers (Article II), and judicial powers (Article III). They operate in a delicate balance, because, as James Madison wrote, "[a]mbition must be made to counteract ambition."[1] But where is OSHA in this scheme? It appears to make law (e.g., standards, regulations), so it must be part of the legislative branch. It also enforces the law through citations, so it must be an executive agency. Through its administrative law judges it also decides disputes, so maybe it is part of the judicial branch.

In reality, OSHA and other regulatory agencies do not fit neatly into any of these three branches. One Supreme Court Justice characterized regulatory agencies as the "Fourth Branch.. [which] has deranged our three-branch legal theories much as the concept of a fourth dimension unsettles our three-dimensional thinking."[2] OSHA, EPA, the Food and Drug Administration, and other regulatory agencies actually fall under the jurisdiction of the Executive Branch. While they are primarily charged with enforcing the law, they also have a significant role in the law's development and review. Perhaps the most misunderstood aspect of an agency's work is how it makes regulations and standards.

The Constitution clearly states that "all legislative powers. . . shall be vested in a Congress of the United States."[3] The Constitution makes no mention of an allowance for delegating legislative powers to an executive agency, and in the early years of the Republic, the Supreme Court rejected the practice.[4] As the nation became more sophisticated, the need for Congress to share its lawmaking responsibilities grew. While Congress must write the laws, it cannot be expected to micromanage their implementation. The courts eventually concluded that there would be no forbidden delegation of legislative power if "Congress shall lay down by legislative act an intelligible principle" to which the official or agency must conform.[5] Using the intelligible principle, the agency is charged to issue implementing regulations and standards.

In case the legislative delegation concept sounds obscure, an illustration from occupational safety and health law may help. During OSHA's early days of standard-setting, the American Petroleum Institute (API) challenged the agency's new benzene standard.[6] API argued, among other things, that the OSH Act's delegation of standard-setting authority to OSHA amounted to an unconstitutional delegation of legislative power. The OSH Act directs the Secretary of Labor in setting health standards to "set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health...or functional capacity."[7] The Court narrowly held that before it could impose new standards requiring a reduction in exposure, OSHA must first show that existing exposures of workers to chemicals present a "signigicant risk" to health. Were the statute not construed in this way, the Court held it would be considered an unconstitutional delegation of legislative authority. Regarding the benzene standard, the Court concluded that OSHA had not presented sufficient evidence to prove its standard met the significant risk test.[8]

From a policy perspective, what would be the problem with delegating legislative authority to an

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administrative agency? Congress makes laws in an environment of maximum accountability. Members are up for reelection every two or six years; except in the most unusual of circumstances, debate and discussion is public; and Members of Congress regularly solicit and receive input from constituents. Voters disaffected by recently passed legislation may express their disapproval by voting the Congressmen out of office. This is not the case with the administrative process. The public does not elect the OSHA head; regulatory debate is not broadcast on C-Span; and average citizens simply do not involve themselves in the rulemaking process. In political terms, regulatory agencies are not supposed to make law, but to ensure that laws are properly implemented.

An Introduction to the Rulemaking Process

(previously published in the VPPPA's 1999 Summer Issue of *"The Leader."*)

Statutory and Regulatory Requirements for Rulemaking

In order to maximize accountability and ensure that regulatory agencies received input from affected parties, Congress adopted administrative notice and comment procedures and requirments for judicial review of agency decisions. Minimal procedural standards for administrative rulemaking are set out in the Administrative Procedure Act (APA).[9] While some administrative agencies (including OSHA) have legislation that requires them to adhere to more rigid rulemaking criteria under certain circumstances, the APA functions as a minimum. Among the issues the APA addresses are: 1) publication of rules and regulations; 2) notice and comment requirements for rulemaking; and 3) judicial review of agency decisions. These issues are addressed more specifically in the OSH Act and regulations issued pursuant to that act.

Throughout this discussion, three terms have been thrown about that may be causing confusion: standards, regulations, and rulemaking. Standards and regulations are issued through the administrative notice and comment process known as rulemaking. Standards and regulations can be collectively called "rules." Standards are generally issued to address specific hazards in the workplace, while regulations should be designed to facilitate proper compliance with standards.[10] As the D.C. Circuit Court of Appeals recently pointed out, 'a standard, unlike a regulation, is "aim[ed] toward correction rather than merely inquiry into possible hazards.'"[11] For example, the fall protection standard aims to protect from the hazards associated with working on elevated surfaces; the recordkeeping regulations assist with the tracking of compliance with regulations.

The OSH Act outlines the procedural requirements for developing a standard.[12] The standard-setting process can be prompted by OSHA's own initiative or in response to petitions from outside parties. These parties could include the Secretary of Health and Human Services, the National Institute on Occupational Safety and Health, state and local governments, national standards-producing organizations, employers, or labor representatives. If the Secretary determines that a specific standard is necessary, she may seek a recommendation from any one of several advisory committees. Most frequently, the Secretary would solicit advice from NACOSH.[13]

After receiving advice from the advisory committee, the Secretary generally publishes an advanced notice of proposed rulemaking in the Federal Register. This notice functions to solicit information that can be used in drafting a proposed rule. Next the Secretary publishes a proposed standard. The public must have at least 30 days to comment on the proposed rule. If, during that 30-day period, an interested person files a request for a public hearing, OSHA must honor that request and hold a hearing not later than 30 days after the conclusion of the comment period. In reality, OSHA always schedules a hearing anticipating the request from the public. Within 60 days after the hearing, the Secretary must either issue a final rule or determine that no rule is necessary.[14]

Unlike standards, requirements for developing regulations are limited to those listed in the APA. The OSH Act grants OSHA authority to issue regulations in section 8 of the act: "the Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment."[15] Because the requirements for issuing a regulation are less burdensome than those for creating a standard, OSHA sometimes needs to make the tortured choice of which rulemaking model it should follow. For example, OSHA first intended to issue the safety and health program rule as a standard. Due to concerns that the rule may not be addressed at remediation of a particular hazard and thus may not constitute a standard, the agency moved ahead on issuing it as a regulation. More recently, following

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the D.C. Circuit Court of Appeal's decision striking down OSHA's Cooperative Compliance program (CCP), the agency is more inclined to proceed with standard-setting.[16]

Concerned that OSHA and other regulatory agencies were not giving adequate consideration to the effects of regulations on small businesses, Congress passed the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA). The act amends the APA and several other statutes, and seeks to ensure that regulatory action is reviewed for its possible effects on small businesses. To accomplish this objective, the act mandates the formation of small business advisory committees anytime EPA or OSHA issue a proposed rule that would have "a significant economic impact on a substantial number" of small entities. The committees, which include representation from small business owners, produce a report analyzing the effects of proposed rules, policies, and legislation on small business. The committee's report is included as part of the public rulemaking record.

The above discussion outlines the various statutory and regulatory requirements for rulemaking. Although the format may sound overly prescriptive, it actually allows for creativity in implementing the process.

Negotiated Rulemaking

As described above, traditional rulemaking tends to be an adversarial process that requires the regulatory agency (e.g., OSHA, EPA) to react to stakeholder input rather than interact with the stakeholders themselves. The agency publishes a proposed rule; stakeholders criticize and praise the proposal; then the agency incorporates the feedback into a final rule. Little opportunity is provided for give and take discussions. While there may be sufficient opportunity for stakeholder feedback, there is virtually no opportunity for cooperative, dynamic discussions that could creatively address each interested party's needs with an effective regulatory action.

In the early 1980's various people involved in the administrative process set about to offer an alternative system – a system designed to maximize opportunity for input and facilitate coordinated development of rules. What emerged was the negotiated rulemaking model. As it developed, negotiated rulemaking took shape as a panacea to major pitfalls of rulemaking: expense, time, excessive conflict and litigation. Because negotiated rulemaking requires less time, fewer expenses are necessary. Involving stakeholders (e.g., industry, organized labor, trade and professional organizations) in the actual drafting process, instead of asking for feedback on an already written draft, minimizes conflict. Finally, because industry is more involved in the process, there is a reduced chance the final rule will be challenged in court. The Federal Aviation Administration was the first to try negotiated rulemaking in 1983 – EPA, OSHA, and other agencies soon followed.

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In Brief...

Dip Tank Standard Revised

On March 23, 1999, OSHA published its revised standard for dipping and coating operations (29 CFR 1910). Proposed revisions were published in April 1998, and the current notice is the final rule. In writing the final standard, OSHA aimed to accomplish three major goals: 1) to rewrite the former standards in plain language; 2) to consolidate the former requirements in sequential sections; and 3) to update the former standards to increase the compliance options available to employers. In addition to accomplishing these goals, the agency also believes it has succeeded in crafting a standard that is more flexible and performance-oriented than the former rules. The final rule does not change the technical substance of the former standards or alter the regulatory obligations placed on employers or the safety and health protections provided to employees.

OSHA Moves Forward with Alternative to CCP

In the wake of the court decision invalidating OSHA's Cooperative Compliance Program (CCP), the agency has sought other ways to target enforcement efforts at the most hazardous worksites. Most recently, OSHA sent letters to 12,500 employers that had eight or more injuries or illnesses for every 100 full-time employees resulting in lost work days.

Court Holds Safety Team Minutes Privileged

A federal court in Ohio held that minutes from a safety team meeting were protected by the "self-critical analysis privilege." The case involved a woman who was injured while operating a drive tube welder machine at Whirpool Corp. She sued Whirlpool for damages and sought to discover minutes from the safety team meetings. After examining the minutes, the court concluded the material did not relate to the woman's injuries. It went on to say that in any event the minutes were the sort of internal self-evaluative documents that would be shielded from discovery by self-critical analysis privilege.

The negotiated rulemaking process begins before an agency issues a proposed rule. The agency head must first determine whether the particular rulemaking would be appropriate for negotiation. Several criteria are established to help with this determination: 1) there must be a limited number of identifiable interests (e.g., industry, labor) that will be significantly affected by the rule; 2) there must be a reasonable likelihood that representatives of such interests will negotiate in good faith; and 3) there must be a reasonable likelihood that the negotiating committee will reach consensus within a fixed period of time.[17] The agency starts by establishing a committee of representatives from regulated firms, trade associations, citizen groups, organizations representing other affected persons, and the agency itself. The composition of the committee must comply with requirements of the Federal Advisory Committee Act, which is designed to ensure fairness in representation and process. Accordingly, all meetings of the committee must be open to the public.[18] The process is generally coordinated by a third-party facilitator, who seeks to achieve consensus among different views. Often, the Federal Mediation and Conciliation Service is brought in to fulfill this task. Other times, the agency will contract with private mediators or facilitators.[19]

OSHA is currently completing its third negotiated rulemaking. The first two resulted in standards for occupational exposure to 4,4' Methylenedianiline, and occupational exposure to Benzene.[20] The third standard developed through negotiated rulemaking will address hazards in steel erection.

At a recent NACOSH meeting, the advisory committee invited several participants in the steel erection rulemaking to speak about the process. The diverse panel presented an optimistic vision of negotiated rulemaking. First to address the committee was Phil Harter, the steel erection standard facilitator who was also among the originators of the negotiated rulemaking process. Harter expressed his belief that the steel erection rulemaking process resulted in a deeper, more comprehensive standard in a significantly less amount of time than generally required for rulemakings. Harter added that the federal Office of Management and Budget, which usually scrutinizes rules for costs and benefits, allowed the negotiated rule to pass the office quickly without thorough review. Harter also shared his experience in developing negotiated rules with EPA and other federal agencies. He told the committee that EPA can complete a complex negotiated rulemaking in less than a year. Harter added that it takes OSHA, on average, more than three times as long as any other agency to develop a rule.

NACOSH also heard from Steve Cooper of the Iron Workers union, who served as a member of the steel erection negotiated rulemaking advisory committee (SENRAC). He too was satisfied with the resulting standard, which took 11 meetings and 18 months to complete. Cooper felt that the negotiation process resulted in a standard that was far more comprehensive than anything that would have developed through the traditional process. The standard went far beyond fall protection, which was the hazard that originally informed the standard's development. Phil Cordova, a small business owner who served on SENRAC, also addressed NACOSH. Cordova generally praised the rulemaking effort. In particular, he appreciated the access it afforded him to policymakers. As a small business owner, he would not ordinarily be in a position to offer suggestions for a standard's development. However, he did note the burden the process imposed on him. It is often difficult for a small business owner to expend his own resources and be absent from work to participate in advisory committee meetings. While the agency does have resources available for this purpose, it is not clear that the availability is well known.

While perhaps not the solution to all the agency's troubles, negotiated rulemaking has proved to be an effective method for improving the regulatory process. It is an inclusive and efficient process that can result in an effective rule. OSHA and other agencies will continue to embrace negotiated rulemaking in appropriate situations in the future and seek out new opportunities to improve the rulemaking process.

Conclusion

There may yet be a better way to make laws, and develop and enforce rules, but we have not been successful in discovering it. The current system, though complex, works fairly well. Innovations like negotiated rulemaking will continue to improve the system. It is the author's hope that this article helped to clarify how standards are made and who makes them.

Mark Richter serves as Government Affairs Counsel to the VPPPA.

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[1] THE FEDERALIST No. 51 at 322 (James Madison) (Clinton Rossiter ed., 1961).

[2] Federal Trade Comm'n v. Ruberoid Co., 343 U.S. 470, 487(1952) (Jackson, J., dissenting).

[3] U.S. CONST. Article I, Section 1.

[4] *See, e.g.*, Shankland v. Washington, 30 U.S. (5 Pet.) 390, 395 (1831) ("The general rule of law is that a delegated power cannot be delegated."); Field v. Clark 143 U.S. 649, 692 (1892) ("[T]hat Congress cannot delegate legislative power . . . is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.). *See also,* State ex rel. Railroad & Warehouse Comm'n v. Chicago, M. & St. P. Ry., 37 N.W. 782 (1888) (delegation of rate-setting authority, with provision that rates be equal and reasonable, does not transfer legislative authority to executive branch).

[5] Amalgamated Meat Cutters v. Connally, 337 F. Supp. 737 (D.D.C. 1971) *citing Yakus, supra.*

(continued on page 9)

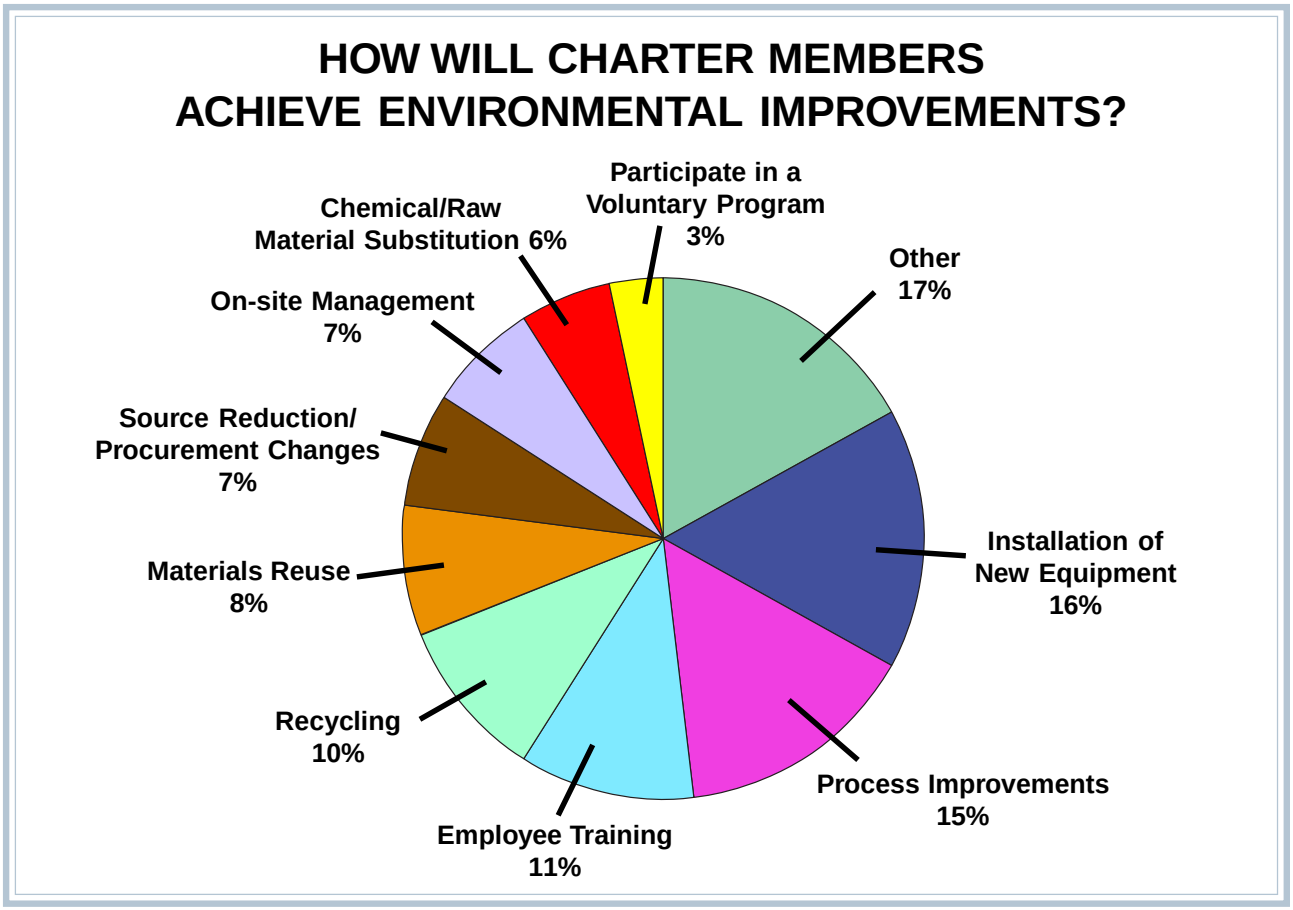
New EPA Voluntary Program Honors Top Environmental Performers

By Daniel J. Fiorino

Just as facilities find innovative ways to promote health and safety in the workplace, many also seek to go above and beyond minimal requirements for protecting the environment. To recognize such facilities, the U.S. Environmental Protection Agency (EPA) recently developed the National Environmental Performance Track program. Facilities of all sizes may participate in this voluntary program, insofar as they have implemented policies and practices that show sustained and measurable improvements — beyond what is required — in categories such as energy use, water use, discharges to water, air emissions, waste generation, and product performance

Currently 228 company facilities, located in 39 states, have qualified for charter membership. Among them are the following DOE facilities: West Valley Demonstration Project, West Valley, N.Y.; Waste Isolation Pilot Plant, Carlsbad, N.M.; Honeywell International Kansas City Plant, Kansas City, Mo.; and DynMcDermott Petroleum Operations Company, New Orleans, La.

"One of the many benefits of belonging to Performance Track is the recognition received from EPA for environmental programs that go beyond legal requirements," says Bill Karsell, environment manager of one of the Performance Track's charter members, the Western Area Power Administration in Lakewood, Co. Karsell's facility has more than 1,200 employees and supplies wholesale power to 15 western states.



Other benefits include the opportunity to meet with EPA's senior policy makers and become a part of peer exchange programs, as well as the possibility of fewer routine inspections and reduced reporting requirements.

"It's a win-win situation for us," Karsell says. "By demonstrating our systematic approach to managing our environmental responsibilities, and taking extra steps to prevent pollution, we are doing what is good for the environment and good for us."

To qualify for the Performance Track, facilities must meet four entry criteria:

- An operational environmental management system (EMS) with one full cycle of implementation.
- Demonstrable environmental achievements and commitment to continued improvement.
- Commitment to performance reporting and outreach to the public and the local community.
- A track record of sustained compliance with environmental requirements.

Program participants receive the following benefits for their environmental commitment:

National recognition — use of the Performance Track logo on facility-specific brochures, annual reports, and Web sites. The facilities receive recognition on the Performance Track Web site and other EPA sites, and in articles and case studies profiling the companies' accomplishments.

Reduced reporting requirements and record keeping — low priority for routine inspections and good faith credit that can reduce enforcement penalties, should any compliance issues arise.

Special access to information sources—participation in invitation-only conferences, workshops, and information sessions with senior EPA officials, and listing in a database of performance practices.

To obtain a free application and checklist for the Performance Track program, send an e-mail to ptrach@indecon.com, or call 1-888-339-PTRK. Facilities of all types, sizes, and complexities, public or private, manufacturing or service-oriented, may apply, and the next application period opens August 1, 2001, and closes Oct. 31, 2001.

Daniel J. Fiorino is director of EPA's Performance Incentives Division and program manager for the National Environmental Performance Track.

[6] Industrial Union Department, AFL-CIO v. American Petroleum Institute, 448 U.S. 607 (1980).

[7] OSH Act §6(b)(5).

[8] As this article went to press, the U.S. Court of Appeals for the District of Columbia released a decision in which the court held EPA misconstrued its authority under the Clean Air Act in such a way to amount to an unconstitutional delegation of legislative authority. American Trucking Ass'n v. U.S. Environmental Protection Agency, No. 97-1440 (May 14, 1999).

[9] 5 U.S.C. §§ 551 et seq. (hereafter referred to by section in act).

[10] *See* Workplace Health & Safety Council v. Reich, 56 F.3d 1465, 1468 (if the rule is "merely a general enforcement or detection procedure," then it is a regulation).

[11] Chamber of Commerce v. U.S. Department of Labor, No. 98-1036 (D.C. Cir. April 9, 1999), *quoting* Louisiana Chemical Ass'n v. Bingham, 657 F.2d 777, 782 (5th Cir. 1981). In the Chamber of Commerce case, the court invalidated OSHA's Cooperative Compliance Program.

[12] OSH Act § 6(b). *See also*, 29 CFR 1911.1-11 (1999).

[13] NACOSH and all other advisory committees must have representatives of management, labor, occupational safety and health professions, and the public. OSH Act § 7(a)(1).

[14] It should be noted that these time frames are not necessarily mandatory, but the agency must make a good-faith effort to meet them. See National Congress of Hispanic American Citizens v. Marshall, 626 F.2d 882, 890 (D.C. Cir. 1979), *cited in* BENJAMIN W. MINTZ, OSHA: HISTORY, LAW, AND POLICY 61 (1984).

[15] OSH Act § 8(g)(2).

[16] *Chamber of Commerce, supra* note 14. In the CCP case, OSHA argued that because CCP was not addressed at a particular hazard, it should not be considered a standard. The agency argued that if it were to be considered anything other than an enforcement program, it should be viewed as a regulation. The court held that "[w]hile the [CCP] Directive fits the definition of a standard only imperfectly, it fits the definition of a regulation not at all." The directive is not in accordance with the OSH Act's definition of a regulation as "a purely administrative effort designed to uncover violations," but rather aims to "foster safety policies more stringent than any required by the Act."

[17] As listed in the Negotiated Rulemaking Act of 1990. 5 U.S.C. sec. 563(a).

[18] *See* 5 U.S.C. sec. 10.

[19] Much of the information from this section came from a law review article on negotiated rulemaking. G.Coglianese, *Assessing Consensus: The Promise and Performance of Negotiated Rulemaking*, 46 DUKE L.J. 1255 (1997).

[20] 57 Fed. Reg. 35,630 (1992); 52 Fed. Reg. 34,460 (1987).

Upcoming Changes to DOE's Voluntary Protection Program

By Carlos Coffman

DOE initiated the DOE Voluntary Protection Program (DOE-VPP) in 1994 in order to provide formal recognition for those DOE Federal operations and its contractors and subcontractors who have successfully achieved excellence in occupational safety and health. Since that time, the DOE-VPP has effectively promoted systematic safety management approaches that have resulted in reductions to participant's employee injury and illness rates, as well as improved employee morale, productivity, and cooperation and commitment among workers and management.

In spite of these successes, the DOE-VPP continues to move forward with constant consideration of needs specific to DOE operations. Experience gained over the last several years has been factored into a number of program improvements. This includes a change in DOE-VPP program emphasis that now recognizes DOE management and operating contractor organizations responsible for a particular function, instead of an entire DOE "site." This has fostered a competitive spirit among contractors at a given site and resulted in multiple awards. Program awareness has also been heightened as evidenced by an increased number of applications received.

Other exciting program improvements that have implemented or are on the horizon include the following:

- **Changed DOE-VPP Categories:** Previously DOE-VPP was comprised of three levels of achievement, which were the Star Program, Merit Program and Demonstration Program. These programs have been revised and are now categorized as the Gold-Star Program and the Silver-Star Program. The Demonstration Program is no longer available.

- **Achievement Awards:** We have adopted special annual achievement awards to be based upon annual submissions. These awards provide additional incentives for the Star sites and are currently available to contractor DOE-VPP sites only. This action is patterned after an already successful program utilized by OSHA Region VI as part of its OSHA-VPP program.

- **Revised VPP Tenets:** Previously, DOE-VPP was based upon five tenets. The two tenets on "Management Leadership" and "Employee Involvement" are now combined into one tenet. Also, several sub-elements dealing with the requirement for annual program self-evaluations and expectations regarding VPP mentoring and outreach have been elevated to the status of a tenet to properly demonstrate its importance to achieving success as a VPP participant.

- **DOE Federal Facility Participation:** DOE recognizes that Federal operations should also have the opportunity for recognition of excellence in safety and health protection. DOE has, therefore, added clarifying language that encourages Federal operations to participate in the DOE-VPP.

- **Expanded Safety and Health Program Reviews:** When the DOE-VPP was first developed, only traditional, industrial safety and health program elements were highlighted. However, the often-unique nature of DOE operations dictates that broader health and safety program attributes need to be considered. Work, such as with high-energy machines, handling radiological and toxic materials, and even infectious materials, mandates the need to evaluate programs in a broader context.

- **Using Illness Rates in Determining VPP Eligibility:** DOE wants to encourage contractors and federal operations to focus on programs and practices that prevent both injuries and illnesses. DOE requires its applicants to include the number of illness cases in rate calculations, and not only focus on injury data. DOE applicants will be compared to current Bureau of Labor Statistics rates for comparable SIC codes. Our review emphasizes the quality of recording data and adequacy in trending.

The DOE-VPP Office, who is the corporate organization responsible for administering the program, has evolved the DOE-VPP program through close interaction with OSHA and the Voluntary Protection Program Participant's Association, as well as through a constant eye on DOE needs and lessons learned. The DOE-VPP Office has sponsored outreach programs encouraging DOE contractors to partner with private sector firms that have achieved VPP STAR status, as well as shifted some aspects of the program to DOE field organizations, such as reviewing contractor applications and participating in onsite reviews. These changes have the net effect of increasing ownership and safety and health accountability among DOE field sites.

Additionally, the DOE-VPP Office has recently begun a revision and consolidation of numerous program guidance documents which present essential program details and protocols important to guiding the applicant. A new DOE-VPP program manual will supersede and replace all prior versions, improving clarity of DOE-VPP expectations and streamlining the application process.

These improvements will enhance DOE-VPP's role as a powerful catalyst to achieving safety and health excellence while ensuring that the program addresses DOE's current priorities and needs.
For more information, please contact Dave Smith at dave.smith@eh.doe.gov
For more information on DOE-VPP, please visit: http://tis-nt.eh.doe.gov/vpp/

Bryan Mound Joins Big Hill, West Hackberry and Bayou Choctaw in VPP Star Status

All SPR sites now certified in Star Program

By Suzanne Broussard

The OSHA VPP team announced that Bryan Mound would be recommended as a VPP Star site on May 3, 2001. The entire Bryan Mound staff, including subcontractor representatives, gathered in the maintenance bay to hear the news. Following Bryan Mound's formal approval from OSHA headquarters, the site will join Big Hill, West Hackberry and Bayou Choctaw as a Star participant in the VPP. They will also be given a "Star among Stars" award for having accident rates in the year 2000 that were at least 50% below those of similar industries.

Bryan Mound's acceptance in the program was based upon a several hundred page application and an on-site, four-day, pre-approval appraisal by three OSHA inspectors. OJ Alvarez is shown on the next page during his detailed site inspection. He commented during the OSHA outbriefing that, although he has the reputation of *always* being able to find compliance problems, he could hardly find any at Bryan Mound. A site

(continued on page 14)

Preparing Your DOE Voluntary Protection Program Application

By Roy Gibbs

You have worked hard and put in your time to make yours the best DOE Voluntary Protection Program in the complex. In fact, you have made working at the level of excellence a part of your everyday culture. Who are you? You are the workers, hourly and management alike at the various contractors sites that aspire to become DOE-VPP sites. Now it's time to formally go for recognition of the many accomplishments you have engendered. It's time for preparing and filing THE APPLICATION — the application for becoming a DOE-VPP site.

Since this is a major first step in getting the recognition your site deserves, you want to make sure you have everything just right. In this article, we will take a quick look at some things that can trip you up in filling out your application. Please note, the discussion on the various sections or elements which follow, is not all-inclusive, and does not necessarily cover all the information needed for drafting a given section. Rather, it is intended to point out some of the more common omissions or incomplete areas that can pose problems in getting your application reviewed and approved.

Your first order of business is to become thoroughly familiar with the DOE-VPP Part III: Application Guidelines. These guidelines lead you through the process section by section and specify the information needed for preparing a complete application. Do not take the guidelines lightly. It is easy to make a "sin of omission" even in the first section, "General Information," if you are not thorough. For example, what is your site's Standard Industrial Classification (SIC) code? This code is important since it will be used in conjunction with your injury data to determine your site's position relative to others in the same classification. And what about your injury data, are your rates at or below those for other comparable SIC sites?

Well, you find you are O.K., and are ready to proceed and challenge the "elements." First, comes the Management Leadership Program Element. This is a very important section and contains ten (10) key sub-elements. Under the Management Leadership element, describe clearly how site management "actively" demonstrates their commitment to the program. Ask yourself the following questions.

- Are communications to employees about policy and goals clear and effective?
- How are the managers, starting at the top on down, leading by example?
- Are your line and staff responsibilities specified?
- How are managers and supervisors held accountable for the safety and health program?
- What resources are dedicated to your site's safety and health program?
- Is safety and health an integral part of overall management planning?
- Are sub-contract workers covered and abiding by site safety and health rules?
- Has a complete annual program evaluation been performed with goals and objectives determined in setting next year's priorities as a result of identified weaknesses or needed improvements?

The next key element is ***Employee Involvement.*** Along with ***Management Leadership***, this is another very important element that, when faulty, can make having a successful program difficult to almost impossible. Describe carefully and

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completely how employees are involved in their safety and health program. This means more than just how many safety meetings are attended, but refers to how employees are meaningfully involved in the decisions that impact their safety and health on the job. Are employees involved in problem resolutions, for example? Accident investigations? Hazard analyses? You get the point. There must be a genuine cooperative effort between management and employees for the site to be regarded as worthy of recognition.

Although the first two elements, Management Leadership and Employee Involvement are pivotal to the success of any program, the remaining elements are still essential for a well-balanced and effective program. Under the third element, ***Worksite Analysis***, make sure you describe how the site ensures that hazards have been identified and how constant vigilance is maintained to uncover potential new hazards. For example, has a comprehensive hazard survey been performed by professionally-trained personnel to identify what hazards are present at the site? What about the identification and mitigation of hazards that might accompany the introduction of a new operation or piece of equipment? Things can change from day to day, so how are you evaluating your working areas on a routine basis to discover, correct, and track hazards? How do you evaluate processes or equipment for hazards and provide the requisite training for affected employees? What about accidents? How does your site evaluate them and learn from them?

The fourth element is ***Hazard Prevention and Control***. So now, thanks to your effective worksite analysis program, you have uncovered various hazards throughout the site. How do you protect employees from them? Are your safety and health professionals actively involved in the effort? What about your protective equipment program? Do you have an active and comprehensive preventive maintenance program? Is the site prepared for the inevitable emergency and can you describe how? Don't forget about radiological hazards. The program in place to protect against those hazards must be described, if applicable to your site. Does the medical program coordinate regularly and efficiently with the safety and health staff? Are all the required surveillances and testing programs in place? And what about those individuals who ignore the rules? Does your site have an effective and fair disciplinary program for dealing with these people?

Safety and Health Training is the last element. Make sure and describe how all employees are trained to recognize and deal with hazards they encounter or are likely to encounter in the workplace. Does your training link back to your annual program evaluation which may have pinpointed areas or issues of concern, as applicable? What about training in hazard recognition and mitigation for supervisors? What about training for emergencies?

Lastly, there is the issue of making the written commitment. As aspiring site must give written assurance by both management and any unions on site, if applicable, that the site is ready and wants to be considered for an on-site evaluation. This is sometimes overlooked and may result in an incomplete submittal.

Well, there you have it. If you have done your homework and followed the procedures, your application should be ready for submission. So, to all sites that think they are ready, get those applications filled out and begin the process that may lead to formal recognition for all that hard work — and, congratulations in advance!

For more information, please visit:
http://tis-nt.eh.doe.gov/vpp/

(continued from page 11)

"hit team" of Maintenance and Operations personnel immediately fixed the few, small discrepancies identified. (OJ also led the first Big Hill appraisal team.) Maryanne McGee led the Bryan Mound OSHA team, and Phyllis Atkins, a Special Government Employee (SGE), was the third member.

The VPP or Voluntary Protection Program is a partnership between employees, management, and OSHA. The VPP Star is a prestigious award presented by OSHA in testament to a facility's sustained excellence in all areas of safety and health. Participation in VPP requires facilities to emphasize, encourage, recognize and implement occupational safety and health programs that go beyond mere complaince to "best practice." At VPP sites, the employees must be empowered to fully participate in their safety and health (S&H) processes. Management must *demonstrate* its commitment to S&H excellence. OSHA expects VPP sites to strive for creative S&H strategies to best protect their employees. Being accepted to participate in VPP is an Honor; fewer than 600 facilities nation-wide have been admitted **and we have four of them.**

DynMcDermott's journey to VPP status began in March 2000, when the Big Hill application was submitted. Big Hill was approved as a VPP Merit Site on August 23, 2000. West Hackberry was approved as a Star site in December 2000. Bayou Choctaw was approved as a Star site in March 2001. Big Hill followed again in April, earning their Star status after a re-evaluation. Along with Bryan Mound, Big Hill and West Hackberry earned "Star among Stars" awards for the year 2000. The SPR sites earned four VPP Stars in less than a year from the first approval date at Big Hill. As far as we know, we are the only company to have met such an aggressive schedule. We are the only DOE facilities to have been admitted into the OSHA VPP.

Celebrations have been held at both Big Hill and West Hackberry. John Miles, the OSHA Regional Administrator for Region VI, presented the OSHA flag and certificate at Big Hill. David Doucet, Assistant Area Director of the Baton Region Louisiana OSHA Office, presented the OSHA flag at West Hackberry.

During the April celebrations, DOE also awarded the sites DOE-VPP Star status in reciprocity with OSHA. Harry Pettengill presented the DOE flags and certificates. Dr. Pettengill serves as the Director, Office of Occupational Safety and Health Policy in the Department of Energy's Office of Environment, Safety and Health, a position he has held since January 1998. In this capacity, Dr. Pettengill also serves as Program Administrator for the Department of Energy's Voluntary Protection Program (DOE-VPP). Dr. Pettengill will present the DOE-VPP flags to Bayou Choctaw and Bryan Mound at their celebrations.

Al White, the DOE Fossil Energy Safety Manager, presented Big Hill and West Hackberry DOE Fossil Energy awards for excellent safety performance. DM has the only facilities in the country that have been awarded both OSHA and DOE VPP status.

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A Star is Born

by Robin Bischoff

Fluor Fernald celebrated its Voluntary Protection Program (VPP) Star Status May 8, 2001, with members from DOE HQ, Fluor Corporate, and site unions to congratulate Fernald employees. The Star Status was awarded to Fernald following a site visit and review of Fernald's Safety and Health program by DOE and the Labor Department's Occupational Safety and Health Administration (OSHA).

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Harry Pettengill, Director, DOE Office of Regulatory Liaison (left), Susan Brechbill, Manager, DOE Ohio Field Office (center), and Steve McCracken, Director, DOE-Fernald proudly present the official VPP STAR certificate to John Bradburne, Fluor Fernald president and CEO (right) during the site's 50th Anniversary commemoration.

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What follows now? Each year, the sites will have to submit individual self-evaluations in a format prescribed by OSHA Region VI. These evaluations must demonstrate that not only have the sites maintained their Star status, but that they have continued to improve their safety and health systems. Three years after their initial approval, the sites will be re-appraised for continued participation. This will involve a stringent on-site inspection by an OSHA VPP team.

DM will also sponsor some SGE's of our own. SGE's are employees of VPP participants who are trained to work as members of the VPP appraisal teams. SGE's are sworn in like any other OSHA inspector and perform the same functions when they are on a pre-approval (of VPP status) appraisal. The Region VI VPP Manager was particularly interested in having some of our employees trained because he stated that they demonstrated excellence during the two SPR appraisals in which he participated. Typically, the training lasts for two days and an SGE will participate in one to two appraisals a year. OSHA considers this a demonstration of mentorship, outreach, and management commitment.

To learn more about the Strategic Petroleum Reserve, please visit: www.spr.doe.gov

The DOE-VPP is designed to mitigate risk in the workplace by encouraging excellence in Safety & Health programs that can only be achieved through full involvement and commitment by management and employees. VPP is divided into five elements: Management Leadership; Employee Involvement; Hazard Prevention and Control; Worksite Analysis; and Safety and Health Training. John Bradburne, Fluor Fernald president and CEO said, "The employees at Fernald take safety very seriously. It is not just part of the job, it is a way of life."

Steve McCracken, DOE-FEMP Director said, "Working safely and living safely will continue to be our focus at Fernald. The continuation of the 24-hour safety culture is critical to the successful completion of this project. Earning VPP Star Status is a clear indication of the importance we place on safety."

A.B. Robinson, vice president of Fluor's Corporate Safety Organization, emphasized that Fernald's safety program is a model that is emulated in the construction industry and challenged those present to continue efforts in the area of safety and health. Robinson said, "In order to finish this job safely and efficiently, it will take a team effort and all of you are being honored for commitment not just to yourself, but also to those around you in the way you perform work safely at Fernald."

For more information on Fluor Fernald, please visit: www.fernald.gov

From left to right: Harry Pettengill, Director, DOE Office of Regulatory Liaison; Steve McCracken, Director, DOE-Fernald; Susan Brechbill, Manager, Ohio Field Office; Dale Hamblin, International Guards Union of America; Bob Tabor, Fernald Atomic Trades & Labor Council; and Tony Lack, Greater Cincinnati Building and Construction Trades Council display the DOE-VPP STAR Site flag that was presented in recognition of the site's outstanding safety and health program.

From left to right: John Bradburne, Fluor Fernald president and CEO; Dale Hamblin, International Guards Union of America; Tony Lack, Greater Cincinnati Building and Construction Trades Council; Bob Tabor, Fernald Atomic Trades & Labor Council; Susan Brechbill, Manager, Ohio Field Office; Steve McCracken, Director, DOE-Fernald; Ron Eimer, DOE HQ; and A.B. Robinson, Fluor Safety Dept. proudly stand by the VPP flag, which was earned as a result of the employees' hard work and commitment to Fernald's safety program.

TWO DOE CONTRACTORS NOMINATED FOR VPPPA BOARD OF DIRECTORS

By Eleanor Crampton

Two Department of Energy (DOE) contractors have been nominated for the National Voluntary Protection Programs Participants' Association (VPPPA) Board of Directors. Five positions are being contested. They are vying for the two Director at Large positions. The election will be held during the 17th Annual National VPPPA Conference in New Orleans, LA, from August 27-30, 2001.

The contenders are Kirkland L. Jones, Director, Environmental, Safety and Quality Assurance, DynMcDermott Petroleum Operations Company, Strategic Petroleum Reserve (SPR), New Orleans, LA, and Sharon C. Chivers, Industrial Safety/ Voluntary Protection Program Manager, Bechtel BWXT Idaho, LLC, INEEL, Idaho Falls, ID. DynMcDermott, SPR, has achieved DOE-VPP and OSHA VPP STAR status at four of its sites: Big Hill, West Hackberry, Bayou Choctaw, and Bryon Mound. Bechtel became a GOLD STAR site in May 2001.

Kirk Jones has worked for DynMcDermott since 1992. He is responsible for the development and implementation of a comprehensive Environmental, Safety and Health, Fire and Quality program and Worker's Compensation and other insurance programs. As such, he plans and manages the budget, supervises managers of each program, and develops corporate goals, policies and procedures for a multi-site 800-person company. Kirk's accomplishments include achieving DOE-VPP and OSHA-VPP STAR status, ISO 14001 registration, ISO 9001 registration, EPA NEAT Charter membership, and achieving a 40% reduction in Worker's Compensation costs with an increase in worker satisfaction with the program. Holding a Ph.D. in Ecology, Kirk also has a Masters and B.A. in Biology.

Sharon Chivers is the Industrial Safety/Voluntary Protection Program Manager. As such, she directs the Industrial Safety program for INEEL, managing the 40 matrixed industrial safety engineers across the site. Sharon successfully led the implementation of VPP site-wide for 6,300 Idaho National Engineering & Environmental Laboratory employees and achieved DOE-VPP GOLD STAR status. Other accomplishments include receiving a Presidential Award for Excellence in recognition of exceptional quality, performance and achievement; fostered employees to earn all eleven "Star Ready" flags for INEEL, which are awarded for excellence in the VPP safety culture; designed the VPP "Star Ready" process to be used DOE complex-wide; actively supported and participated in VPPPA Region X conferences; and presented in workshops at both VPPPA Region X and the National conference. Sharon holds a Masters degree in industrial safety/industrial hygiene and a B.S. in biology.

UPCOMING ISSUES — WE NEED YOUR INPUT!

If you have any best practices, topics or ideas for stories you would like to share with the DOE-VPP community in upcoming issues of the STARBURST please feel free to submit them to Carlos Coffman: carlos.coffman@eh.doe.gov.

Do you have a DOE-VPP Website? If so, please forward your address to Carlos Coffman: carlos.coffman@eh.doe.gov.

News You Can Use: *The Porcelain Press*

Two DOE-VPP STAR sites have adopted a unique way of keeping safety related issues on the minds of their employees. On a regular basis, the Waste Isolation Pilot Plant in Carlsbad, New Mexico and Protection Technologies Hanford, Richland, Washington distribute safety bulletins through their Porcelain Press.

The Porcelain Press is a one-page safety newsletter placed in plexiglass holders which are mounted on the wall at eye-level beside the toilet paper holders inside the restroom stalls or at standing eye-level above the urinals. At WIPP, copies are placed in the in-baskets for those employees working in the underground.

Topics may range from announcing presentation/events during National Safety Month to information on the four types of Ionizing Radiation, traffic safety, and even when foods should not be refrozen.

To learn more about the WIPP and PTH VPP programs, please visit their websites at: www.wipp.carlsbad.nm.us/index.htm and www.hanford.gov/contrctr/pth.htm , respectively.

DAY & ZIMMERMANN
PROTECTION
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HANFORD

Vital Porcelain Press

Department of Energy VPP

Offices may appear to be safer places to work than heavy industrial sites, but a surprising number of serious accidents and injuries involve office workers. Falls lead the list, with cuts, foot injuries, electric shock and burns not far behind.

Here are some pointers for preventing office accidents:

Offices Are No Haven From Hazards

- **Keep the clutter cleaned up.**
- **Do not allow cords and cables to cross traffic aisles.**
- **Extension cords are only intended for temporary use.**
- **Report any electrical hazards.**
- **Keep drawers and cabinet doors closed.**
- **Do not overload filing cabinets.**
- **Store items safely.**
- **Make sure all chairs and stools are sturdy and in good condition.**
- **Clean up spills of water and coffee promptly.**
- **Maintain good lighting.**
- **If you have to climb or reach overhead, get a stepstool or ladder.**
- **Know what to do in case of a fire.**
- **Take basic training in first aid and CPR .**
- **Arrange your workstation to require a minimum amount of lifting, ben**
- **Take frequent short breaks from repetitive computer tasks**

**Together we will make the climb.
Not one in front, not one behind.**

There are about 30 milligrams of caffeine in the average chocolate bar, while a cup of coffee contains around 100 to 150 milligrams.

Which produces more greenhouse gas pollution?
A. the average home
B. the average car
C. neither produce any

March Safety Slogan (No theme this month)Send entries to Bernie Nelson / Due date March 25

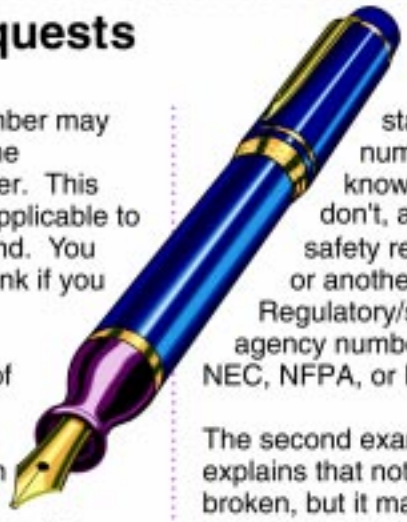
Which form of household heating is generally considered most environmentally friendly? **ANSWER: Natural Gas**

03-21-01

The Porcelain Press

Safety Awareness Committee Topic 4 Number 6 May 1, 2001

Use the Power of the Pen to Ensure Swift Action for Safety-Related Action Requests



Have you ever wondered what happened to the Action Request (AR) you wrote about a safety concern that hasn't been fixed? As the originator of an AR, you can increase the chances of swift action by making it clear that the item is of Industrial Safety & Health (IS&H) importance.

The easiest way to do this is to explain the issue clearly while filling out Section 1 of the Action Request Form EA10-2-1-0, found in Q&MIS. First the form requires some fairly simple information, such as your Name, Phone Number, Mail Stop, and the Date. The tricky part is filling out the next three blocks, which look easy, but are not always completed correctly.

The "Equipment" block is asking for an equipment number as found in the site Equipment Register, which is not always readily available. The problem you are writing about may not be an actual piece of equipment, but a hole in the wall of a building. In this case, you should write in the Facility Number (or building number) of where the hole is located.

The "System" number may also be found in the Equipment Register. This may also not be applicable to the problem at hand. You may leave this blank if you don't know.

The "Description of Problem" block is where a lot of miscommunication occurs. In your Description, be clear that there is a safety concern and why. Provide as much information as possible to ensure the Work Order will be prioritized properly. Many of the AR's that come through the system do not clearly identify safety concerns and may not be given the correct priority. Examples of this can be seen below:

✗ Bad example:
Fiberglass lid to pull-box is broken.

✓ Better example:
Safety Concern: The fiberglass lid to pull-box #XXXXXXX is broken and may cause injury to personnel if stepped on.

Also, provide an OSHA standard number if you know it (if you don't, ask your safety representative) or another Regulatory/standard agency number such as NEC, NFPA, or MSHA.

The second example clearly explains that not only is the lid broken, but it may also cause injury to someone. Based on this description, Facility Operations will know to investigate the pull-box, take mitigating actions to ensure personnel safety, and properly assign priority to the Work Order. But don't be surprised if the actual corrective action doesn't happen for some time. Once the hazard has been mitigated, the priority can be reduced.

If you're not sure how to address a concern, find out who your Safety Awareness Committee representative is. They can take your concern to the committee and the item will be addressed. These committees usually have an IS&H member on board and can help determine the resolutions to our concerns.

Voluntary Protection Programs Participant's Association (VPPPA) Annual Conference

The 17th Annual National VPPPA Conference will be held August 27-30, 2001 in New Orleans, Louisiana. This year's theme is "Jazz Up Safety with VPPPA."

The Annual National VPPPA Conference offers a unique forum for employee, management and government leaders to work and work and learn together to achieve better workplace safety, health and environmental protection.

The four-day event includes: general sessions featuring top officials from OSHA and corporate America two days full of workshops coordinated by VPPPA members, an Exhibit Hall, and several evening networking functions. John L. Hurst III, Executive Vice President-Chlorovinyls, Occidental Chemical Corporation will be the keynote speaker. Also speaking will be Davis Layne, Acting Assistant Secretary, OSHA and Archie Manning, Motivational Speaker Former New Orleans Saint All-American Quarterback, NFL MVP.

DOE will be well represented with workshops by Battelle Pacific N.W. National Laboratory, West Valley Nuclear Services, Westinghouse Savannah River Company, Flour Hanford, DOE Headquarters, and Honeywell FM&T/KC. The following DOE workshops will be presented during the conference:

- Filing an Electronic Application for DOE-VPP - Batelle Pacific N.W. National Laboratory
- Interstate Zero, Your Road to Safety —West Valley Nuclear Services
- You want me to do that? - An Employees View of Empowerment and Disciplined Operations — Flour Hanford
- Deep Sixing Annual Program Assessments: Establishing Environment of Continuing Improvement — INEEL Hanford, WIPP, Fernald,
- Job Hazard Analysis and the Safety Representative Program - Department of Energy HQ
- Integrating Hazard Identification and Control Measures into Maintenance Worker Orders — Honeywell FM&T/KC
- Sink or Swim? How to Prevent Your On-Site Assessment from Becoming the Poseidon Adventure

For more information on the DOE-VPP participation in the National VPPPA Conference, please contact David Smith at 301-903-4669.

Hotel/Location Information:

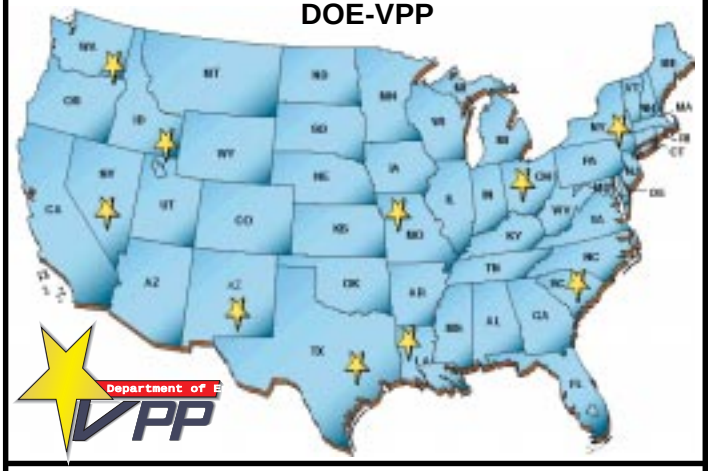
Hilton New Orleans Riverside
New Orleans, LA
Tel: (504) 561-0500
For reservations call: (800) HILTONS.

Mention the VPPPA and the conference to receive the special VPPPA rates. See the "Policies" page for further information on hotel rates and reservations.

For more information on the Hilton New Orleans, visit their website at www.neworleanshilton.com

For more information about New Orleans, visit the New Orleans Convention and Visitor's Bureau at www.neworleanscvb.com.

Department of Energy
Voluntary Protection Program
DOE-VPP



Idaho	ID Bechtel BWXT, Idaho, LLC	DOE - Gold Star
Louisiana	DynMcDermott Petroleum Operations Co., Inc. Strategic Petroleum Reserve - Bryon Mound Site	DOE - Gold Star OSHA - Star
	Dyn McDermott Petroleum Operations Co., Inc. Strategic Petroleum Reserve - Bayou Choctaw Site	DOE - Gold Star OSHA - Star
Missouri	Honeywell, Inc., Federal Manufacturing and Technologies	DOE - Gold Star
	Weldon Spring Site Remedial Action Project	DOE - Gold Star
Nevada	Wackenhut Services, Incorporated	DOE - Gold-Star
New Mexico	Westinghouse TRU Solutions, Waste Isolation Pilot Plant	DOE - Gold Star
New York	West Valley Nuclear Services	DOE - Gold Star
Ohio	Fluor Fernald, Inc., Fernald Environmental Management Project	DOE - Gold Star
South Carolina	Wackenhut Services, Inc. - SRS	DOE - Gold Star
	Westinghouse Savannah River Company (WSRC)	DOE - Gold Star
Texas	DynMcDermott Petroleum Operations Co., Inc. Strategic Petroleum Reserve - Big Hill Site	DOE - Gold Star OSHA - Star
	DynMcDermott Petroleum Operations Co., Inc. Strategic Petroleum Reserve - West Hackberry Site	DOE - Gold Star OSHA - Star
Washington	Fluor Federal Services, Inc.	DOE - Gold Star
	Fluor Hanford	DOE - Gold Star
	Fast Flux Test Facility (FFTF)	DOE - Gold Star
	Protection Technology, Hanford	DOE - Gold Star
	DynCorp Tri-Cities Services, Inc.	DOE - Gold Star
	Pacific Northwest National Laboratory	DOE - Gold Star